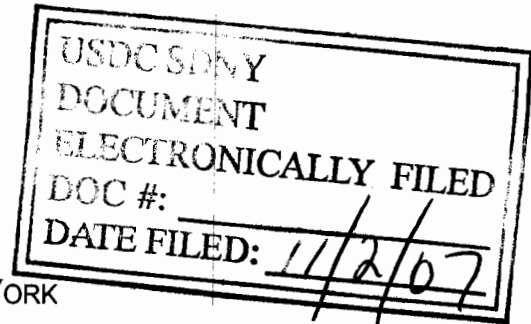


**MEMO ENDORSED**



MICHAEL A. CARDOZO  
Corporation Counsel

THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

ABIGAIL GOLDENBERG  
phone: 212-788-1275  
fax: 212-788-0940  
email: abgolden@law.nyc.gov

October 30, 2007

**BY HAND**

Hon. Gerard E. Lynch  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 910  
New York, New York 10007

Re: Rodney Brown v. Dept. of Correctional Services et al.,  
07 Civ. 5753 (GEL)

Dear Judge Lynch:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel Michael A. Cardozo. I write on behalf of defendant Department of Correction ("DOC") to respectfully request a 30 day extension of time, from October 31, 2007, until November 30, 2007, for DOC to respond to the complaint.<sup>1</sup> The additional time is necessary to investigate the plaintiff's factual allegations and legal claims, and to prepare defendants' response to the complaint. Further, the additional time may allow for the proper service of the individual defendants (*see* Fn. 1), which may streamline the pleadings by allowing a single response to be interposed. J+

<sup>1</sup> With respect to the individually named defendants, Feliciano and "Gorge," those defendants have not yet been properly served. While, upon information and belief, a summons and complaint was delivered to the individual defendants' place of business (Rikers Island), such service by itself is not sufficient. Pursuant to CPLR 308(2), service may be effected by "delivering the summons within the state to a person of suitable age and discretion at the actual place of business" and "mailing the summons by first class mail to the person to be served at his or her actual place of business in a envelope bearing the legend 'personal and confidential.'" Upon information and belief, and as evidenced by the Process Receipt and Return filed by the U.S Marshall service, a copy of the summons and complaint were not mailed to the defendants at their place of business, as required by CPLR 308(2).

**\*SO ORDERED**  
  
GERARD E. LYNCH, U.S.D.J.  
10/31/07

This is the first request for an extension of time in this matter. As plaintiff is incarcerated and proceeding *pro se*, I was not able to obtain his prior consent to this request.

Thank you for your consideration of this request for an extension of time to respond to the complaint until November 30, 2007.

Respectfully,

A handwritten signature in black ink, appearing to read 'Abigail', followed by a long horizontal flourish.

Abigail Goldenberg (AG 4378)  
Assistant Corporation Counsel

cc: Via overnight mail  
Rodney Brown  
Plaintiff *pro se*  
#07-A-4616  
Franklin Correctional Facility  
62 Bare Hill Rd  
PO Box 10  
Malone, NY 12953